
Appeal Decision

Site visit made on 29 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/R3650/W/21/3286593

Mulberry House, Tilford Road, Tilford, Farnham GU10 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Bell against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0501, dated 11 February 2021, was refused by notice dated 21 September 2021.
 - The development proposed is the retrospective planning application for retention of a home office to be used incidental to dwelling (temporary permission).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Retrospective planning permission is sought for the development for a temporary period of 2 years. However, on visiting the site it was evident that there are discrepancies between the building in situ and the submitted plans, although the overall size and location are similar. I have made my decision considering the submitted plans.

Main Issue

3. The main issues are a) whether or not the building is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; b) the effect it has upon the openness of the Green Belt; and c) if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance necessary to justify the development.

Reasons

4. The appeal site is an area of woodland to the rear of Mulberry House. It forms part of a wider band of woodland which separates the houses along Tilford Road from the pastures beyond. The appeal site, neighbouring properties, and the pastures are separated by mainly wire and post fencing.

Whether the proposal constitutes inappropriate development

5. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (Local Plan) refers directly to the National Planning Policy Framework (the Framework) when considering new development within the Green Belt. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but also sets out 7 exceptions to this.

6. The building constitutes a home office beyond the confines of the associated dwelling. Although I am satisfied the home office is for the use by the occupants of Mulberry House, it does not fall within any of the exceptions within Framework paragraph 149. Consequently, it would constitute inappropriate development within the Green Belt. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. The building is set well away from Mulberry House. It is proportionate to its use as a home office and in relation the overall size of the site and Mulberry House is modest in dimensions. Although a single storey structure, it has a pitched roof, is raised up from the ground and has a substantial raised decking area as well. Consequently, it is a significant new structure within this woodland setting. Moreover, its location encroaches into the otherwise undeveloped land beyond the rear gardens of the properties along Tilford Road. This position, within the woodland, does mean it is screened from the adjacent residential dwellings but there are direct views of it from the wider band of woodland as well as the public bridleway and pastures beyond.
8. I appreciate that the Council has not sought to argue that any of the purposes of the Green Belt are compromised, but that does not alter my view that openness is harmed, for the reasons I have given.

Other considerations

9. The temporary 2 year requirement for the existing siting of the proposal is required to allow the appellant to continue to run their business during the COVID-19 pandemic. Although the legal requirements to stay at home have been lifted, it is appreciated that many business models now include home-working. I also appreciate that a temporary building, with appropriate restitution post removal, may be less harmful than a permanent building. However, this does not mitigate the current harm the building is having on the openness of the Green Belt and so I only give this fact limited weight.
10. The appellant has stated that, with only modest adjustment, the building could be relocated closer to Mulberry House utilising permitted development rights. The Council have also made suggestions as to how a home office could be located nearer to Mulberry House within its garden. But even these options are available I consider that it is likely a building located closer to Mulberry House would be less intrusive within the Green Belt. As such the suggested options would likely be less harmful than the current location and therefore do not provide any weight to the argument for the retention of the building.
11. The main parties agree that the building is not found to be harmful in relation to any other matters, including living conditions; quality of design; impact on trees, and the Surrey Heals Areas of Natural Beauty and Area of Great Landscape Value. However, a lack of harm is a neutral factor and so does not weigh for or against the proposal.
12. The appeal site is within the buffer zone of the Wealden Heaths Special Protection Areas and Special Area of Conservation (SPA/SAC). However, as I am dismissing this appeal for other reasons, I have not pursued this matter further. Nevertheless, should it have been found that no harm would arise in

relation to the SPA/SAC this would also be a neutral factor so would not overcome the harm identified to the Green Belt.

13. I have considered the Charles Hill Nursery appeal (reference APP/R3650/A/14/2223115) and the Woodland Edge appeal (reference APP/B1930/W/21/3271862). However, they are not comparable. This is because Charles Hill Nursery considered development on previously developed land, and Woodland Edge constituted development relating to facilities for outdoor sport and outdoor recreation, both of which are circumstances considerably removed from the proposed scheme.

Conclusion

14. The proposal is inappropriate development in the Green Belt and harms openness. Taken in totality, the other considerations discussed above do not clearly outweigh the harm to the Green Belt and as such do not constitute the very special circumstances necessary to justify the development, as set out in the Framework. The proposed development is therefore contrary to Local Plan Policy RE2 and would conflict with the development plan as a whole. Consequently, the appeal is dismissed.

RJ Redford

INSPECTOR